

## **AMENDMENTS TO THE DRAWINGS**

Figures 1, 2, 3, and 5 have been amended to include a legend designating Figures 1, 2, 3, and 5 as “Prior Art”. Drawing replacement sheets for Figures 1, 2, 3, and 5 are provided in an Appendix to this Amendment.

## **REMARKS/ARGUMENTS**

Initially, Applicants would like to express their appreciation to the Examiner for the detailed Official Action, and for the acknowledgement of Applicants' claim for foreign priority and the receipt of the certified copy of the priority document. Applicants additionally wish to thank the Examiner for considering the materials cited in the Information Disclosure Statement filed in the present application on August 23, 2006, as evidenced by the return of the signed copies of the Forms PTO-1449 attached to the Official Action, and in the Supplemental Information Disclosure Statement filed in the present application on and October 5, 2006, as evidenced by the return of a signed copy of the Supplemental Information Disclosure Statement.

Applicants would like to bring to the Examiner's attention that a further Supplemental Information Disclosure Statement was filed in the present application on January 21, 2009. Accordingly, Applicants respectfully request that the Examiner consider this further Supplemental Information Disclosure Statement and return a signed copy of the attached Form PRO-1449 to Applicants in the next Official communication.

The Official Action objected to the drawings, asserting that Figures 1-3 lack many of the necessary drawing references needed to clearly point out what is in the drawings, and that Figures 1, 3, and 5, and any other figures with known subject matter, should be designated as "Prior Art". Accordingly, Figures 1, 2, 3, and 5 have been amended to include a legend designating Figures 1, 2, 3, and 5 as "Prior Art". Drawing replacement sheets for Figures 1, 2, 3, and 5 are provided in an Appendix to this Amendment. With regard to the drawing references in Figures 1-3, however, Applicants submit that Figures 1-3 are prior art figures that are provided merely to present a broad, general illustration of conventional structures. Additionally, Figures 1-3 are commensurate in scope to the broad, general "Background of the Invention", and were

never meant to provide a detailed illustration of these structures. Accordingly, based on the amendments to Figures 1, 2, 3, and 5, and the discussion provided above, Applicants respectfully request that the objection to the drawings be withdrawn.

The Official Action also objected to the specification, asserting that the specification lacked necessary section headings. Accordingly, the specification has been amended to include such headings. Thus, Applicants respectfully request that the objection to the specification be withdrawn.

The Official Action further asserted that the title of the invention was not descriptive. Accordingly, the title of the invention has been amended. Thus, Applicants respectfully request that the objection to the title of the invention be withdrawn.

In the Official Action, claims 21-22 and 28-29 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claims 1-30 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 1-30 were rejected under 35 U.S.C. § 102(b) as being anticipated by HERPEL et al. (Publication "MPEG-4 Systems: Elementary Stream Management" (2000)).

Upon entry of the amendment claims 1-2, 6, 11, 16, 23-24, and 30 have been amended. Claims 21-22 and 28-29 have been canceled. New claims 31-32 have been added. Thus, claims 1-20, 23-27, and 30-32 are currently pending for consideration by the Examiner.

In the Official Action, claims 21-22 and 28-29 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. In particular, the Official Action asserted that claims 21-22 and 28-29 were directed to software *per se*. Without acquiescing to the appropriateness of the rejection, Applicants herewith cancel claims 21-22 and 28-29 have been to advance prosecution of the application. Further, new claims 31-32 have been added. Applicants

submit that claims 31-32 are each directed to a computer readable recording medium encoded with a computer program, which defines structural and functional interrelationships between the computer program and the rest of the computer that permit the computer program's functionality to be realized, and are thus statutory. See M.P.E.P. § 2106.1, Section I, entitled "Functional Descriptive Material: 'Data Structures' Representing Descriptive Material *Per Se* or Computer Programs Representing Computer Listings *Per Se*."

In the Official Action, claims 1-30 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In particular, the Official Action asserts that a "session description protocol" does not store or receive information itself, but represents a series of steps in which entities follow to achieve a desired function.

Applicants submit that the term "protocol" is a general expression that has several conventional meanings. The term "protocol" is frequently used to refer to a set of conventions, or rules, between communicating processes on the format and content of messages to be exchanged. Also, higher-level protocols may use lower-level protocols in a layered fashion. For instance, Applicants' Figure 6 and the corresponding description describe a specific layered structure for MPEG-4 streaming, with each layer having a different protocol relating the format and content, of the data contained therein. Additionally, Applicant's Figure 5 and the corresponding description describe the layer structure for a conventional MPEG-4 stream, wherein the layers have the conventional MPEG-4 protocols. Thus, the term "protocol" in Applicants disclosure is used consistently throughout the specification and claims, using the generally accepted conventional meaning that refers to content of each of the various layers in an MPEG-4 stream arranged in a specified format.

Amended independent claims 1, 6, 11, 16, 23, 30, 31, and 32 each recite that the media stream has a layer structure with each layer having a protocol that represents a content and format of information contained therein. Accordingly, Applicants respectfully request that the rejection of claims 1-30 under 35 U.S.C. § 112, second paragraph, be withdrawn.

In the Official Action, claims 1-30 were rejected under 35 U.S.C. § 102(b) as being anticipated by HERPEL. The Official Action asserts that HERPEL discloses all of the features recited in claims 1-30. Contrary to this assertion, Applicants submit that HERPEL fails to anticipate pending claims 1-20, 23-27, and 30-32 for several reasons.

The following discussion is provided by way of illustration only, in order to provide assistance in understanding the differences between a conventional MPEG-4 system and Applicants' system, but should not be construed as limiting the scope of Applicants' claims in any manner. Applicants' Figure 5 illustrates the layer structure of a conventional MPEG-4 stream, whereas Applicants' Figure 6 illustrates the layer structure of an MPEG-4 stream in Applicants' media stream transmitting/receiving system. In Figure 5, the conventional MPEG-4 media stream has an MPEG-4 system layer (30), which includes MPEG-4 system information including MPEG-4 objects that contain management information, such as an IPMP tool list (31) and/or an IPMP descriptor (32) associated with the protection of MPEG-4 video/audio contents of a conventional MPEG-4 media stream. While the conventional MPEG-4 media stream can be extracted by conventional MPEG-4 receivers, non-MPEG-4 receivers, such as, but not limited to, for example, an Internet Streaming Media Alliance (ISMA) receiver, can not translate the MPEG-4 system layer (30) and thus, can not extract the included management information.

In contrast, for example, Applicants' modified media stream transmitting/receiving system (Figure 6) does not use the conventional MPEG-4 media stream, but instead uses a

modified MPEG-4 media stream, which does not include the MPEG-4 system layer. The modified MPEG-4 media stream includes management information, such as an IPMP tool list (21) and/or an IPMP descriptor (22) associated with the protection of MPEG-4 video/audio content of a conventional MPEG-4 media stream, in the RTSP (SDP) session layer (20). SDP refers to session description protocol. Thus, by using Applicants' modified system, non-MPEG-4 receivers that do not use the conventional MPEG-4 system can extract the management information from the session description protocol for subsequent use associated with the MPEG-4 video/audio contents.

Independent system claim 1 explicitly recites a server that includes a storer operable to store management information for managing the media stream in a session description protocol of the session layer of the media stream, and a transmitter operable to transmit the session description protocol in which the management information is stored to the client in the session layer of the media stream. Additionally, claim 1 explicitly recites that the client includes a receiver to receive the session description protocol with the management information, an extractor to extract the management information from the receive session description protocol, and a manager that manages the media stream on the basis of the extracted management information. Further, claim 1 explicitly recites that the receiver is a non-MPEG-4 receiver that can use MPEG-4 content information based on the management information extracted from the received session description protocol. HERPEL fails to at least disclose each of these features because HERPEL fails to disclose a system that uses a media stream where management information to manage the media stream is included in a session description protocol of the session layer of the media stream.

The Official Action asserts that HERPEL's page 15, section 2, discloses management information in a session description protocol of the session layer of the media stream. Contrary to the assertion, Applicants submit that HERPEL fails to disclose management information being included in a session description protocol of the session layer of the media stream, making no reference to a session description protocol in this section at all. Instead, HERPEL discloses that the management information, i.e., IPMP descriptors, are conveyed in OD (object descriptor) MPEG-4 streams, which appear to correspond to the conventional MPEG-4 system layer (as discussed above). HERPEL also appears to suggest that specific IPMP streams can be used.

Additionally, in discussing the role of the session description protocol (SDP) in the Section entitled "MPEG-4 content delivery on the Internet" bridging pages 28-29, HERPEL discloses the SDP as only a delivery layer and fails to disclose the SDP as including any specific management information that would be used to manage the media stream. HERPEL also fails to disclose the specifically claimed system components including a storer, transmitter, receiver, extractor, and manager that operate as claimed. Further, HERPEL fails to disclose a non-MPEG-4 receiver that can use MPEG-4 content information based on the management information extracted from the received session description protocol.

For at least the reasons discussed above, Applicants submit that HERPEL fails to disclose each and every feature of independent claim 1. Thus, Applicants submit that HERPEL fails to anticipate claim 1. Additionally, Applicants submit that HERPEL fails to anticipate each of the independent claims 6, 11, 16, 23, 30, 31, and 32 for reasons similar to those discussed above. Further, Applicants submit that claims 2-5, 7-10, 12-15, 17-20, and 24-27, that depend from independent claims 1, 6, 11, 16, and 23, respectively, are patentable for at least the reasons

discussed above and further for the additional features recited therein. Thus, Applicants respectfully request that the rejection of the claims under 35 U.S.C. § 102(b) be withdrawn.



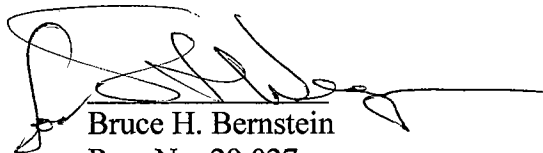
### **SUMMARY**

From the amendments, arguments, and remarks provided above, Applicants submit that all of the claims pending for consideration in the present application are patentable over the references cited by the Examiner, either alone or in combination. Accordingly, reconsideration of the outstanding Official Action is respectfully requested and an indication of allowance of claims 1-20, 23-27, and 30-32 is now believed to be appropriate.

Applicants note that this amendment is being made to advance prosecution of the application to allowance, and should not be considered as surrendering the equivalents of the territory between the claims prior to the present amendment and the amended claims. Further, no acquiescence as to the propriety of the Examiner's rejections is made by the present amendment. All other amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should there be any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully Submitted,  
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Attachment: Appendix (Drawing Replacement Sheets)

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## **APPENDIX**

This Appendix contains four (4) drawing replacement sheets for Figures 1, 2, 3, and 5.